

IMPERIUM PATENT WORKS
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 SIMMONS BEDDING COMPANY
 and Defendant and Counterclaimant
 DREAMWELL, LTD.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ZINUS, INC., a California corporation, Plaintiff, v. SIMMONS BEDDING COMPANY, a Delaware corporation, and DREAMWELL, LTD., a limited liability company of Nevada, Defendants.	
DREAMWELL, LTD., a limited liability company of Nevada, Counterclaimant, v. ZINUS, INC., a California corporation, Counterclaim Defendant.	

Case No.: 07-CV-03012 PVT

**STIPULATION OF DISMISSAL
 WITH PREJUDICE PURSUANT
 TO F. R. CIV. P. 41(A)(1) AND**

[PROPOSED]

**ORDER DISMISSING ACTION
 WITH PREJUDICE**

The Honorable Patricia V. Trumbull

Plaintiff and counterclaim defendant ZINUS, INC., defendant SIMMONS BEDDING COMPANY, and defendant and counterclaimant DREAMWELL, LTD., through their counsel of record, hereby stipulate and move that this entire action, including all claims and

1 counterclaims, be dismissed with prejudice pursuant to F. R. Civ. P. 41(a)(1) and the terms of
2 the parties' April 21, 2008 Settlement Agreement. Each party shall bear its own attorneys'
3 fees and costs.

4 IT IS SO STIPULATED.

5 Dated: April 25, 2008

IMPERIUM PATENT WORKS

6 By: /s/
7 Darien K. Wallace

8 Attorneys for plaintiff and counterclaim
9 defendant ZINUS, INC.

10 Dated: April 25, 2008

PERKINS COIE LLP

11 By: /s/
12 Kenneth B. Wilson

13 Attorneys for defendant SIMMONS
14 BEDDING COMPANY and defendant
15 and counterclaimant DREAMWELL, LTD.

16 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

17 I, Darien K. Wallace, hereby attest that concurrence in the filing of this document has
18 been obtained from the other signatory.

19 I declare under penalty of perjury under the laws of the United States of America that
20 the foregoing is true and correct. Executed on April 25, 2008 in Brentwood, California.

21 /s/
22 Darien K. Wallace

23
24 The case set forth above, having been noticed for dismissal by stipulation of both
25 parties, is hereby dismissed with prejudice.

26
27 Dated: April __, 2008

28 Hon. Patricia V. Trumbull
United States Magistrate Judge